

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

Jeffrey W. Carpenter,	§	
	§	
<i>Plaintiff,</i>	§	
	§	
<i>v.</i>	§	
	§	Civil Action No. 3:23-CV-00769-N
Twin City Fire Insurance Company,	§	
	§	Jury Demand
<i>Defendant.</i>	§	

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**APPENDIX IN SUPPORT OF JEFF CARPENTER’S  
RESPONSE TO DEFENDANT’S MOTION FOR PROTECTION**

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Appendix exhibits are bookmarked. This Appendix is bates-labeled at the bottom right of each page. Its pagination starts with this page so it will match the PACER pagination.

**INDEX OF EXHIBITS**

Declaration of Amy E. Gibson

Exhibit 1: Biography

Exhibit 2: October 2, 2023 email string

Exhibit 3: October 4-5, 2023 email string

Respectfully submitted,

*/s/ David L. Wiley*

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Texas Bar No. 00793801  
[amy@gwfirm.com](mailto:amy@gwfirm.com)

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*Attorneys for Jeff Carpenter*

**CERTIFICATE OF SERVICE**

The undersigned certifies that, on October 24, 2023, he filed the *Appendix in Support of Jeff Carpenter's Response to Defendant's Motion for Protection* with the United States District Court for the Northern District of Texas through the CM/ECF system, such that defendant should be served with a copy of the filed document as follows:

**VIA CM/ECF SYSTEM**

Ms. Christine Kirchner

[c.kirchner@chamberlainlaw.com](mailto:c.kirchner@chamberlainlaw.com)

Mr. Steven J. Knight

[steven.knight@chamberlainlaw.com](mailto:steven.knight@chamberlainlaw.com)

Mr. Chris M. Lemons

[chris.lemons@chamberlainlaw.com](mailto:chris.lemons@chamberlainlaw.com)

Chamberlain Hrdlicka, White, Williams & Aughtry  
1200 Smith Street #1400  
Houston, Texas 77002

*Attorneys for Twin City Fire Insurance Company*

Mr. Michael W. Johnston

[johnston@johnstonlegalgroup.com](mailto:johnston@johnstonlegalgroup.com)

Johnston Legal Group PC  
1616 Wabash Avenue  
Fort Worth, Texas 76107-6598

*Local Counsel for Twin City Fire Insurance Company*

*/s/ David L. Wiley*

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David L. Wiley

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

Jeffrey W. Carpenter,

*Plaintiff,*

v.

Twin City Fire Insurance Company,

*Defendant.*

§  
§  
§  
§  
§  
§  
§  
§

Civil Action No. 3:23-CV-00769-N

Jury Demand

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**DECLARATION OF AMY GIBSON**

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1. My name is Amy Elizabeth Gibson. The facts and statements that I make in this declaration are true and accurate. Unless otherwise stated or apparent from my testimony, I have personal knowledge of the facts and statements that I make in this declaration. I do not intend to waive any privilege in making this declaration. I provided the captions for reading convenience. The captions are not part of my testimony.

2. I am one of the attorneys who represents Jeff Carpenter in this case.

**biography**

3. Exhibit 1 to this declaration is an accurate copy of my current biography, with the exception of the bates-label, which was not part of the original.

**lack of substantive conference on motion for protection**

4. Exhibit 2 to this declaration is an email string between defense attorney Steven Knight and me about conferring on a defense motion for protection. It is an accurate copy of the original as printed from my laptop, with the exception of any highlighting or bates-label, which were not part of the original.

5. Defense attorney Steven Knight says he wants to confer over email, states his thought that our second request for production is not appropriate for a *Stowers* case, and asks us to withdraw the entire set of document requests. I ask Mr. Knight to check the court-specific procedures and explain that the email exchange will not suffice as a conference. I say we are expected to do our best to resolve these kinds of issues and say our side expects a substantive conference.

6. Mr. Knight and I confer on October 3, 2023 for less than 10 minutes. Below is a screenshot I took of the AT&T call detail for this conference call on my cell phone:

10/03/2023 11:37:12 AM	713.504.5396	INCOMING	DT	5
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During the conference, defense counsel Steven Knight does not confer on any issue other than a *global* relevance challenge to the second document requests as a whole. I explain generally why this kind of discovery is appropriate in a *Stowers* case, such as going to the ultimate issue of reasonableness of the insurer's conduct. Mr. Knight does *not* address any specific document request. He does *not* confer on breadth, burden, or proportionality. He does not address in any manner the way in which Twin City Fire Insurance Company operates its business. He tells me he finished the motion for protection before our conference.

#### later conference on defense objections and responses to 2<sup>nd</sup> set of document requests

7. On October 4, 2023, I receive an email with defense objections and responses to plaintiff's second set of document requests. I am copied on an October 4, 2023 email from David Wiley requesting a conference on those objections and responses. I am copied on an October 5, 2023 email from Steven Knight responding to that request. Exhibit 3 to this declaration is an accurate copy of those original emails as printed from my laptop, with the exception of any highlighting or bates-label, which were not part of the original.

8. Mr. Knight says he cannot confer on defense objections and responses until Friday, October 13, 2023. I handle the conference for plaintiff's side. Below is a screenshot I took of the AT&T call detail for this conference call on my cell phone. The 2 minute entry reflects my effort to reach Mr. Knight at the office. The 108 minute entry reflects the conference between Mr. Knight and me on defense objections and responses to the second document requests.

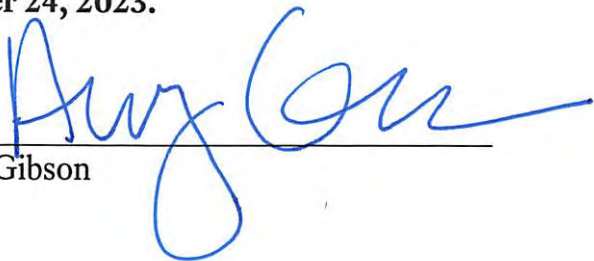
10/13/2023 02:06:46 PM	713.504.5396	HOUSTON	DT	108
10/13/2023 02:00:58 PM	713.658.1818	HOUSTON	DT	2

**still waiting on defense counsel to provide information relevant to conference**

9. During the October 13, 2023 conference, we make some progress. But I need some information about the nature of the defendant insurer's business to assess whether and to what extent some requests may need to be tweaked. Mr. Knight tells me it will be the following week before he can get back with me to provide the information. Mr. Knight still has not gotten back with me to provide the information.

**My name is Amy Elizabeth Gibson. My date of birth is December 7, 1968. I declare under penalty of perjury that my testimony above is true and correct.**

**Executed in Dallas County, Texas on October 24, 2023.**

  
\_\_\_\_\_  
Amy Gibson

# **Exhibit 1**

## **biography**



Amy E. Gibson  
Gibson Wiley PLLC  
1500 Jackson Street #109  
Dallas, Texas 75201-4923  
[amy@gwfirm.com](mailto:amy@gwfirm.com)

#### **Education**

Baylor University School of Law, J.D. 1995

Senior Notes & Comments  
Editor, Baylor Law Review

The University of Texas  
at Austin, B.A. 1991

#### **Rankings**

Top 50 Jury Verdicts in United States [labor & employment], 2019

Top 50 Jury Verdicts in Texas [all case types], 2019

Texas Super Lawyer for plaintiffs' employment litigation, 2019, 2020, 2021, 2022, 2023; Thomson Reuters

Band 1 for mostly-plaintiff-side labor & employment in Texas [1 of only 7]; Chambers & Partners USA

#### **Admissions**

Texas 1995  
Northern District of Texas  
Southern District of Texas  
Western District of Texas  
Eastern District of Texas  
Fifth Circuit Court of Appeals

I'm a trial lawyer in the law firm Gibson Wiley PLLC. I've focused on representing workers in employment disputes for close to two decades. Our firm intentionally keeps a low case volume and focuses on cases that can help the community.

I'm often asked to teach employment law to groups that include defense lawyers, plaintiffs' lawyers, in-house counsel, and human resources professionals.

I teach trial, mediation and settlement, and witness preparation for Keenan Trial Institute. I teach other lawyers from across the country on cases ranging from employment to child sexual abuse to catastrophic physical injury to wrongful death. I teach lawyers at all levels, from puppy lawyers to some of the best, most experienced lawyers in the country.

The song *The People in Your Neighborhood* describes the range of people we represent. Rancher, teacher, librarian, police officer, firefighter, juvenile probation officer, factory worker, oil and gas operations foreman, doctor, nurse, physical therapist, social worker, city engineer, petroleum engineer, rocket scientist, national defense satellites project manager, office manager, human resources manager, secretary, paralegal, attorney, salesperson, computer whiz, and workers in the retail, restaurant, car wash, airplane repair, and radio station industries.

#### **Professional**

Instructor, Keenan Trial Institute

Governing Council, State Bar of Texas  
Labor & Employment Law Section

Governing Council, Dallas Bar Association  
Labor & Employment Law Section

Treasurer, Dallas Bar Association  
Labor & Employment Law Section, 2022

Secretary, Dallas Bar Association  
Labor & Employment Law Section, 2023

Planning Committee, The University of Texas School of Law,  
Annual Labor & Employment Law Conference

Chair, The University of Texas School of Law,  
Annual Labor & Employment Law Conference, May 2019

Texas Employment Lawyers Association



# **Exhibit 2**

## **October 2, 2023 email string**

**Subject:** Re: Carpenter v. Twin City  
**Date:** Monday, October 2, 2023 at 5:11:14 PM Central Daylight Time  
**From:** Amy Gibson <amy@gwfirm.com>  
**To:** Knight, Steven J. <Steven.Knight@CHAMBERLAINLAW.COM>  
**CC:** Kirchner, Christine <c.kirchner@chamberlainlaw.com>, Lemons, Chris M. <Chris.Lemons@chamberlainlaw.com>, David Wiley <david@gwfirm.com>  
**Attachments:** image003.jpg, image004.jpg, image001.jpg

This email exchange will not suffice in this Court. Check the court-specific procedures. We are expected to do our best to resolve these kinds of issues, which would include substantive discussion. And our side expects a substantive conference on issues like this regardless of the court we are in.

I can be available tomorrow after 11 a.m. or any time during business hours on October 3 **except** 9:30 a.m. through 11:30 a.m.

Amy Gibson  
Gibson Wiley PLLC  
T: (214) 522-2121  
F: (214) 522-2126  
M: (214) 417-9233  
E: [amy@gwfirm.com](mailto:amy@gwfirm.com)



**From:** Knight, Steven J. <[Steven.Knight@CHAMBERLAINLAW.COM](mailto:Steven.Knight@CHAMBERLAINLAW.COM)>  
**Date:** Monday, October 2, 2023 at 4:54 PM  
**To:** Amy Gibson <[amy@gwfirm.com](mailto:amy@gwfirm.com)>  
**Cc:** Kirchner, Christine <[c.kirchner@chamberlainlaw.com](mailto:c.kirchner@chamberlainlaw.com)>, Lemons, Chris M. <[Chris.Lemons@chamberlainlaw.com](mailto:Chris.Lemons@chamberlainlaw.com)>, David Wiley <[david@gwfirm.com](mailto:david@gwfirm.com)>  
**Subject:** RE: Carpenter v. Twin City

This e-mail exchange can probably satisfy the confer requirements. We are going to file a motion for protection because we do not think your second request for production is appropriate in this case. Those types of requests are sometimes issued in bad faith cases filed under the DTPA and Texas Insurance Code, but not in a case that is limited to Stowers. So, in essence, we'd like to see you withdraw your set. If you will not, we will move forward with our motion for protection and mark you down as opposed. Shall I mark you down as opposed?

**From:** Amy Gibson <[amy@gwfirm.com](mailto:amy@gwfirm.com)>  
**Sent:** Monday, October 2, 2023 4:49 PM  
**To:** Knight, Steven J. <[Steven.Knight@CHAMBERLAINLAW.COM](mailto:Steven.Knight@CHAMBERLAINLAW.COM)>  
**Cc:** Kirchner, Christine <[c.kirchner@chamberlainlaw.com](mailto:c.kirchner@chamberlainlaw.com)>; Lemons, Chris M. <[Chris.Lemons@chamberlainlaw.com](mailto:Chris.Lemons@chamberlainlaw.com)>; David Wiley <[david@gwfirm.com](mailto:david@gwfirm.com)>  
**Subject:** Re: Carpenter v. Twin City

[CAUTION - EXTERNAL EMAIL] DO NOT reply, click links, or open attachments unless you have verified the sender and know the content is safe.

I can give you some dates and times. But I need to know first what you want to confer about, so I can prepare and also set aside an appropriate amount of time.

Amy Gibson  
Gibson Wiley PLLC  
T: (214) 522-2121  
F: (214) 522-2126  
M: (214) 417-9233  
E: [amy@gwfirm.com](mailto:amy@gwfirm.com)



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**From:** Knight, Steven J. <[Steven.Knight@CHAMBERLAINLAW.COM](mailto:Steven.Knight@CHAMBERLAINLAW.COM)>  
**Date:** Monday, October 2, 2023 at 2:24 PM  
**To:** Amy Gibson <[amy@gwfirm.com](mailto:amy@gwfirm.com)>  
**Cc:** Kirchner, Christine <[c.kirchner@chamberlainlaw.com](mailto:c.kirchner@chamberlainlaw.com)>, Lemons, Chris M.  
<[Chris.Lemons@chamberlainlaw.com](mailto:Chris.Lemons@chamberlainlaw.com)>  
**Subject:** Carpenter v. Twin City

Hi Amy,

I left a message on your cell phone after I called the office line. Can you give me a call on my cell phone (713) 504-5396? I would like to confer about Carpenter's second request for production. Thank you.

Best,

SJK

STEVEN J. KNIGHT  
Shareholder | Appellate Practice Chair  
CHAMBERLAIN, HRDLICKA, WHITE, WILLIAMS & AUGHTRY, P.C.  
1200 Smith Street, Ste. 1400 | Houston, Texas 77002  
713-654-9603



[www.chamberlainlaw.com](http://www.chamberlainlaw.com)

Houston | San Antonio | Atlanta | Philadelphia

Unless otherwise indicated or obvious from the nature of this transmittal, the information contained in this e-mail message is privileged and confidential and is intended for the sole use of the intended recipient(s). If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

# **Exhibit 3**

## **October 4-5, 2023 email string**



**Subject:** RE: Carpenter v. Twin City: Twin City's Objections and Responses to Carpenter's Second RFP

**Date:** Thursday, October 5, 2023 at 10:39:46 AM Central Daylight Time

**From:** Knight, Steven J. <Steven.Knight@CHAMBERLAINLAW.COM>

**To:** David Wiley <david@gwfirm.com>

**CC:** Amy Gibson <amy@gwfirm.com>, Kirchner, Christine <c.kirchner@chamberlainlaw.com>, johnston@johnstonlegalgroup.com <johnston@johnstonlegalgroup.com>, Lemons, Chris M. <Chris.Lemons@chamberlainlaw.com>

**Attachments:** image001.jpg

Next week – I'm not available until Friday. I'm open most of the day so feel free to propose a time that works for your schedule.

**From:** David Wiley <david@gwfirm.com>  
**Sent:** Wednesday, October 4, 2023 8:00 PM  
**To:** Lemons, Chris M. <Chris.Lemons@chamberlainlaw.com>  
**Cc:** Amy Gibson <amy@gwfirm.com>; Kirchner, Christine <c.kirchner@chamberlainlaw.com>; Knight, Steven J. <Steven.Knight@CHAMBERLAINLAW.COM>; johnston@johnstonlegalgroup.com  
**Subject:** Re: Carpenter v. Twin City: Twin City's Objections and Responses to Carpenter's Second RFP

[CAUTION - EXTERNAL EMAIL] DO NOT reply, click links, or open attachments unless you have verified the sender and know the content is safe.

Please give us a set of times and dates during this next week when one of the lawyers on your side can be available to confer regarding these objections and claimed privileges.

David L. Wiley  
Gibson Wiley PLLC  
t: (214) 522-2121  
f: (214) 522-2126  
m: (214) 336-4276  
e: [david@gwfirm.com](mailto:david@gwfirm.com)

On Oct 4, 2023, at 6:07 PM, Lemons, Chris M.  
<[Chris.Lemons@chamberlainlaw.com](mailto:Chris.Lemons@chamberlainlaw.com)> wrote:

Dear Counsel:

Please see the attached Objections and Responses to Plaintiff's Second Requests for

Production and Twin City's Privilege Log.

Chris M. Lemons  
Senior Associate



Chamberlain, Hrdlicka, White, Williams & Aughtry  
1200 Smith Street, Suite 1400, Houston, Texas 77002  
Direct: 713.658.2525  
E-Mail: [chris.lemons@chamberlainlaw.com](mailto:chris.lemons@chamberlainlaw.com)  
[Website](#) | [vCard](#) | [Firm LinkedIn](#)  
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[ATLANTA](#) • [HOUSTON](#) • [PHILADELPHIA](#) • [SAN ANTONIO](#)

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